

Remarks/Arguments:

Applicants have amended the remaining claims in the application to close the scope of the claims to show that the aqueous solution consist of an alkaline metal chlorate and an inorganic acid thus excluding the addition of other compounds or elements such as a reducing agent typified by a methanol.

The Examiner has rejected claims 1, 3-29 and 38 under 35 U.S.C. § 112, first paragraph, essentially repeating the rejection contained in the first Office Action.

Applicant once again incorporate herein by reference the arguments against this rejection set forth in the amendment filed under certificate of mailing dated December 22, 2004.

In addition, applicants are enclosing herewith a declaration under 37 CFR 1.132 of Dr. Gilbert Gordon, a recognized expert in the field. In addition to the statements made in the Declaration Dr. Gordon's Curriculum Vitae is attached to the declaration to substantiate his eminence in the field.

Dr. Gordon unequivocally states in his declaration that he has reviewed the rejections under 35 U.S.C. § 112, put forth by the Examiner and believes that, based upon his knowledge and experience and the arguments put forth by applicants, that a worker skilled in the art would at the time of the application have had enough knowledge to have possession of the invention. Clearly this negates the allegations by the Examiner.

For the reasons advanced in the response to the first Office Action and the Declaration of Dr. Gordon is respectfully submitted that the rejections of claims 1, 3-29 and 38 under 35 U.S.C. § 112, first paragraph is not well taken and should be withdrawn.

The Examiner has rejected claim 5 under 35 U.S.C. § 112, second paragraph. It is respectfully submitted that applicants had amended claim 5 in response to the previous Office Action to change the word "chloride" to "chlorate" thus providing antecedent basis for claim 5 in the scheme of claims. In view of the foregoing it is respectfully submitted that the rejection of claim 5 under 35 U.S.C. § 112, second paragraph is not well taken and should be withdrawn.

The Examiner has rejected claims 1 and 7 under 35 U.S.C. § 102(b) as anticipated by Swindell et al. U.S. Patent 4,081,520.

Applicants refer to the Declaration of Dr. Gordon and especially paragraph 13 in which Dr. Gordon, upon review of the '520 patent, is of the opinion that the '520 Patent neither teaches nor suggest the invention as set forth in claims 1 and 7. Furthermore, applicants have amended claim 1 to close the claims so that the solution which is an aqueous solution of an alkaline metal chlorate and an inorganic acid can not have other components such as the methanol of Swindell et. al.. Furthermore, applicants once again reiterate, through incorporation by reference, the arguments presented in response to the previous Office Action concerning the '520 Patent.

In view of the foregoing it is respectfully submitted that the rejection of claims 1 and 7 under 35 U.S.C. § 102(b) is not well taken and should be withdrawn.

The Examiner has rejected claims 1, 3, 5 and 7 under 35 U.S.C. § 102(e) as being anticipated by Charles et al. Published Patent Application US 2003/0007899.

Applicants are pleased to enclose herewith the Declaration of the undersigned showing applicants were in possession of the invention prior to the effective filing date of June 25, 2001, of the Charles et al. Published Application. In view of the fact that Charles et al. is effectively removed as a reference the rejection of claims 1, 3, 5 and 7 under 35 U.S.C. § 102(e) is not well taken and should be withdrawn.

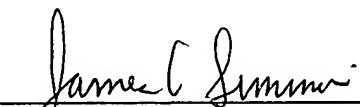
The Examiner has rejected claims 1, 3-29 and 38 under 35 U.S.C. § 103(a) over the Charles Published Application noted above.

For the reasons set forth above it is respectfully submitted that the Charles reference has a filing date subsequent to the date of invention by applicants and is thus not an effective reference. Furthermore, applicants reiterate the arguments and incorporate the arguments herein by reference made about the Charles reference in response to the previous Office Action.

In view of the foregoing it is respectfully submitted that the rejection of claims 1, 3-29 and 38 under 35 U.S.C. § 103(a) is not well taken and should be withdrawn.

In view of the amendments and arguments it is respectfully submitted that the above-identified application as amended is in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,



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